



General Assembly

Amendment

February Session, 2022

LCO No. 5594



Offered by:

SEN. ANWAR, 3rd Dist.

REP. LINEHAN, 103rd Dist.

To: Subst. Senate Bill No. **308**

File No. 152

Cal. No. 139

"AN ACT CONCERNING THE RECOMMENDATIONS OF THE OFFICE OF THE CHILD ADVOCATE."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (a) of section 46a-13l of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective July 1,*
5 *2022*):

6 (a) The Child Advocate shall:

7 (1) Evaluate the delivery of services to children by state agencies and
8 those entities that provide services to children through funds provided
9 by the state;

10 (2) Review periodically the procedures established by any state
11 agency providing services to children to carry out the provisions of
12 sections 46a-13k to 46a-13p, inclusive, with a view toward the rights of
13 the children and recommend revisions to such procedures;

14 (3) Review complaints of persons concerning the actions of any state
15 or municipal agency providing services to children and of any entity
16 that provides services to children through funds provided by the state,
17 make appropriate referrals and investigate those where the Child
18 Advocate determines that a child or family may be in need of assistance
19 from the Child Advocate or that a systemic issue in the state's provision
20 of services to children is raised by the complaint;

21 (4) Pursuant to an investigation, provide assistance to a child or
22 family who the Child Advocate determines is in need of such assistance
23 including, but not limited to, advocating with an agency, provider or
24 others on behalf of the best interests of the child;

25 (5) Periodically review the facilities and procedures of any and all
26 institutions or residences, public or private, where a juvenile has been
27 placed by any agency or department;

28 (6) Recommend changes in state policies concerning children
29 including changes in the system of providing juvenile justice, child care,
30 foster care and treatment;

31 (7) Take all possible action including, but not limited to, conducting
32 programs of public education, undertaking legislative advocacy and
33 making proposals for systemic reform and formal legal action, in order
34 to secure and ensure the legal, civil and special rights of children who
35 reside in this state;

36 (8) Provide training and technical assistance to attorneys
37 representing children and guardians ad litem appointed by the Superior
38 Court;

39 (9) Periodically review the number of special needs children in any
40 foster care or permanent care facility and recommend changes in the
41 policies and procedures for the placement of such children;

42 (10) Serve or designate a person to serve as a member of the child
43 fatality review panel established in subsection (b) of this section;

44 (11) Take appropriate steps to advise the public of the services of the
45 Office of the Child Advocate, the purpose of the office and procedures
46 to contact the office; [and]

47 (12) Prepare an in-depth report on conditions of confinement,
48 including, but not limited to, compliance with section 46a-152,
49 regarding children [twenty] twenty-one years of age or younger who
50 are held in secure detention or correctional confinement in any facility
51 operated by a state agency. Such report shall be submitted, in
52 accordance with the provisions of section 11-4a, to the joint standing
53 committee of the General Assembly having cognizance of matters
54 relating to children not later than March 1, 2017, and every two years
55 thereafter; and

56 (13) Present to the advisory committee, established pursuant to
57 section 46a-13r, as amended by this act, at least three times each year, a
58 report on the goals of and projects undertaken by the Office of the Child
59 Advocate, within available appropriations, that are consistent with the
60 responsibilities of the Child Advocate.

61 Sec. 2. Subsection (a) of section 46a-13m of the general statutes is
62 repealed and the following is substituted in lieu thereof (*Effective July 1,*
63 *2022*):

64 (a) Notwithstanding any provision of the general statutes concerning
65 the confidentiality of records and information, the Child Advocate may
66 request and shall have access to, including the right to promptly inspect
67 and copy, any records necessary to carry out the responsibilities of the
68 Child Advocate as provided in [subsection (a) of] section 46a-13l, as
69 amended by this act. Such records shall be provided to the Child
70 Advocate not later than fourteen days from the date of such request. If
71 the Child Advocate is denied access to any records necessary to carry
72 out said responsibilities, [he] the Child Advocate may issue a subpoena
73 for the production of such records as provided in subsection (c) of this
74 section.

75 Sec. 3. Section 46a-13n of the general statutes is repealed and the

76 following is substituted in lieu thereof (*Effective July 1, 2022*):

77 (a) The name, address and other personally identifiable information
78 of a person who makes a complaint to the Child Advocate as provided
79 in section 46a-13l, as amended by this act, all information obtained or
80 generated by the office in the course of an investigation and all
81 confidential records obtained by the Child Advocate or a designee shall
82 be confidential and shall not be subject to disclosure under the Freedom
83 of Information Act or otherwise, except that such information and
84 records, other than confidential information concerning a pending law
85 enforcement investigation or a pending prosecution, may be disclosed
86 if the Child Advocate determines that disclosure is (1) in the general
87 public interest or (2) necessary to enable the Child Advocate to perform
88 his responsibilities under subsection (a) of section 46a-13l, as amended
89 by this act. If the Child Advocate determines that disclosure of
90 confidential information is not in the public interest but is necessary to
91 enable the Child Advocate to perform responsibilities under subsection
92 (a) of section 46a-13l, as amended by this act, or to identify, prevent or
93 treat the abuse or neglect of a child, the Child Advocate may disclose
94 such information to the appropriate agency responsible for the welfare
95 of such child or the legal representative for such child.

96 (b) No state or municipal agency or any agency or entity providing
97 publicly funded services shall discharge, or in any manner discriminate
98 or retaliate against, any employee who in good faith makes a complaint
99 to the Child Advocate or cooperates with the Office of the Child
100 Advocate in an investigation.

101 Sec. 4. Section 46a-13r of the general statutes is repealed and the
102 following is substituted in lieu thereof (*Effective July 1, 2022*):

103 (a) There is established an advisory committee to the Office of the
104 Child Advocate established under section 46a-13k. Said committee shall
105 prepare and submit to the Governor a list of candidates for appointment
106 of the Child Advocate. The advisory committee shall consist of seven
107 members as follows: (1) One appointed by the president pro tempore of

108 the Senate; (2) one appointed by the speaker of the House of
 109 Representatives; (3) one appointed by the majority leader of the Senate;
 110 (4) one appointed by the majority leader of the House of
 111 Representatives; (5) one appointed by the minority leader of the Senate;
 112 (6) one appointed by the minority leader of the House of
 113 Representatives; and (7) one appointed by the Governor. The committee
 114 shall select a chairperson who shall preside at meetings of the
 115 committee. No member of the advisory committee shall be a person who
 116 is a volunteer for, a board member of, or is employed by, any entity or
 117 agency subject to the review of, or evaluation or monitoring by the Child
 118 Advocate pursuant to section 46a-13l, as amended by this act, or is a
 119 communicator lobbyist who pursuant to such lobbyist's registration
 120 under chapter 10, lobbies on behalf of any entity or agency subject to the
 121 review of, or evaluation or monitoring by the Child Advocate pursuant
 122 to said section 46a-13l, as amended by this act. Each member of the
 123 advisory committee shall serve a term of five years and may be
 124 reappointed at the conclusion of such term. All initial appointments to
 125 the advisory committee shall be made not later than September 1, 2011.
 126 Each member of the advisory committee shall serve a five-year term
 127 from July first of the year of their appointment. Any vacancy in the
 128 membership of the committee shall be filled by the appointing authority
 129 for the unexpired portion of the term.

130 (b) The advisory committee shall meet at least three times each year
 131 with the Child Advocate, and the Child Advocate's staff, for the
 132 purposes described in subdivision (13) of subsection (a) of section 46a-
 133 13l, as amended by this act.

134 (c) The advisory committee shall provide for an annual evaluation of
 135 the effectiveness of the Office of the Child Advocate."

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2022	46a-13l(a)
Sec. 2	July 1, 2022	46a-13m(a)
Sec. 3	July 1, 2022	46a-13n

Sec. 4	<i>July 1, 2022</i>	46a-13r
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